



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,982	03/30/2001	William J. Tumulty	05793.3034	4192

22852 7590 09/09/2003

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER  
LLP  
1300 I STREET, NW  
WASHINGTON, DC 20005

EXAMINER
----------

ALIMENTI, SUSAN C

ART UNIT	PAPER NUMBER
----------	--------------

3644

DATE MAILED: 09/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

SW

<b>Office Action Summary</b>	<b>Application No.</b> 09/820,982	<b>Applicant(s)</b> TUMULTY ET AL.	
	<b>Examiner</b> Susan C. Alimenti	<b>Art Unit</b> 3644	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
     If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \*    c) ☐ None of:  
         1. ☐ Certified copies of the priority documents have been received.  
         2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
     \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
     a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Objections*

1. Claim 13 is objected to because of the following informalities: in line 2 of claim 13 it seems the word "and" should be changed to --an--. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Borodow et al. (US 2002/0101979 A1).
4. Regarding claims 1, 3-6, 9, 11, 22, 24-27, 29, 30 and 32, Borodow et al. (Borodow hereafter) discloses a method of receiving a customer inquiry except it is not expressly disclosed that the customer is prompted to provide an identification number. Borodow's method comprises receiving a customer inquiry as a phone call and the customer is then identified by a name, telephone number, customer ID, or e-mail address (Borodow, [0042]). Once the customer has been identified a predetermined priority score is determined (Borodow, [0010]) and the call is then queued based upon this rating, with a higher rating placing a caller ahead of a caller with a lower rating (Borodow, [0057]). The customer information used to determine the priority rating comprises financial information such as "dollar amount spent within a predetermined period" and "dollar amount owed", and information that indicates customer buying preferences

Art Unit: 3644

such as “kinds of products purchased or services requested”. Customer information can be updated at anytime by the administrator or the customer themselves, and thus instantly affecting the priority rating (Borodow, [0044]). Regarding the identification number, Borodow teaches that a customer ID is used to recall customer information, he however does not expressly state where in the process said ID is used. It is well known that supplying a customer ID in the beginning of the call eliminates errors, optimizes the call time consumption and allows for the call to be most efficiently handled. It is noted that other forms of identification could be used, however an ID number is most efficient because it can be typed into the phone and is assigned to only one customer, while a name or e-mail must be spoken by the caller and interpreted by an agent or computer program, and the phone number alone is an insufficient form of identification assuming several customers could potentially call from a single phone line. It would have been obvious to one having ordinary skill in the art at the time the invention was made to enhance Borodow’s method by requesting a customer identification number at the beginning of the call in order to efficiently process the call and properly identify a customer,

5. Regarding claims 8, 12-13, 15-17, 21, 33, 34, 36-39 and 42 and the above discussion, Borodow discloses the claimed method except the customer does not provide information in response to a predetermined set of queries. Generally, Borodow teaches a method of determining the priority rating of a customer by evaluating customer behavior and buying history and attributing predetermined ratings to said behaviors. It is well known that generating a questionnaire for the customer to complete in order to provide personal information is an equivalent means of further enhancing a customer profile based directly upon customer response and behavior. It would have been obvious to one having ordinary skill in the art at the time the

invention was made to modify Borodow's method by adding the step of asking a customer a set of predetermined questions in order to further define the customer's buying habits.

6. Regarding claims 2, 7, 14, 23, 24, 28 and 35 and the above discussions, Borodow discloses the claimed method except it is not positively disclosed that a timestamp is attached to each call as it is received in order to further process the calls in the event that two callers are determined to have the same priority rating. The step of attaching a timestamp to a call is considered to be standard operating procedure for customer service call centers or any call processing center in order to keep complete records. Borodow does not discuss what protocol should be followed should a situation arise where two calls have the same priority rating, however it is considered obvious that the system would default back to order reception assuming no other extenuating circumstances arose. Furthermore Borodow teaches that other parameters may be combined with the priority rating in order to determine the final queue for a call (Borodow, [0059]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to add the step of queuing two calls with the same priority rating in the order they were received since it is known that this is the default mode for most call processing centers.

7. Regarding claims 10, 20, 31 and 41 and the above discussion, Borodow discloses the claimed method except three distinct queues (i.e. high, medium and low) are not expressly defined. Instead Borodow simply states that the pending calls are "queued in order of their customer priority attribute-based rating; e.g. a call with a higher customer attribute-based priority rating is placed ahead of a call with a lower customer attribute-based priority rating" (Borodow, [0057]). While the calls are not placed in one of three individual groups they are placed in an

Art Unit: 3644

order that is defined by their priority rating, which is equivalent to the high to low level priority groups as claimed in the present invention. It would have been obvious to one having ordinary skill in the art at the time the invention was made to split the calls into groups, while maintaining a priority based queue, in order to better organize the calls since this would be within the level of ordinary skill in the art.

8. Regarding claims 18, 19, 39 and 40 and the above discussion, Borodow discloses the claimed method except the customer information is not disclosed to comprise whether the customer has a credit card or a checking account. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make of record whether the customer has a credit card or checking account since the Examiner takes Official Notice that having such financial information about a customer on record is known to aid in the purchasing process and would be within the level of ordinary skill in the art.

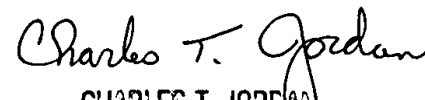
***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan C. Alimenti whose telephone number is 703-306-0360. The examiner can normally be reached on Monday-Thursday, 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles T. Jordan can be reached on 703-306-4159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

Susan C. Alimenti

  
CHARLES T. JORDAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 4000